Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	
	)	

Initial Comments of the
United States Department of Transportation

Introduction

The Federal Communications Commission ("FCC" or "Commission") in this proceeding is carrying out Congress' instruction to establish a nationwide three-digit toll-free telephone number (abbreviated dialing code) for "One Call" centers, which operate to reduce harm to the country's vital underground infrastructure from excavation damage. The FCC has sought comment on the most appropriate three-digit number and on a host of implementation issues.

The United States Department of Transportation ("DOT" or "Department") recognizes that there may be difficulties associated with the mnemonic number we originally proposed. DOT is therefore prepared to support the implementation of a different three-digit number if that is what the Commission decides. More important than the particular number chosen is the need to implement Congress' directive as expeditiously as possible, and so prevent further damage.

Background

The Commission's Notice of Proposed Rulemaking ("Notice") accurately recites the purpose of this proceeding. *The Use of N11 Codes and Other Abbreviated Dialing Arrangements,* CC Docket No. 92-105, FCC 04-111 (Released May 14, 2004); 68 Fed. Reg. 31930 (June 8, 2004). In sum, much of the country's critical infrastructure with respect to energy, telecommunications, and other fundamental goods and services is

located below ground. Approximately seventy One Call centers throughout the nation notify the operators of these underground facilities (liquid pipelines, electric and telephone cables, fiber optic conduits, water and sewer systems, etc.) of impending excavation activities, which enables the operators to identify facilities at risk and protect them from any damage threatened by excavation. To operate as intended, however, the centers must first be notified in advance of actual digging, and too many excavators fail to do so. Id. at ¶ 3.

Congress decided that a single toll-free three-digit telephone number would ease access to these centers, and thereby enhance their effectiveness in reducing damage to critical underground infrastructure. Id. at ¶¶ 1 – 3. [1] Congress instructed the FCC and DOT and others to "provide for the establishment" such a number. P.L. No. 107-355 § 17, 116 Stat. 2985 (2002). The Department then petitioned the Commission to allocate "344" because this number represents the letters "DIG" on telephone keypads and dials. We reasoned that such a mnemonic device would be intuitive for this purpose, and more readily lead to the desired increase in calls to One Call centers. DOT also noted that if this abbreviated code proved infeasible, the FCC should adopt an alternative three-digit number. Notice at ¶ 6.

The Notice recounts that a federal advisory committee with expertise in this area, the North American Numbering Council ("NANC"), considered a number of issues relevant to this undertaking and recommended instead the adoption of "811." NANC found that this so-called "N11 code" would preserve numbering resources, reduce technical changes and financial costs for carriers, and avoid affecting common dialing patterns. Id. at ¶ 5.

The Notice of Proposed Rulemaking

The Notice seeks comment on numerous issues. The first category deals with the appropriate number itself -- particularly whether to assign an N11 code ("among the

[1]/ The DOT Petition initiating this proceeding discusses in some detail the dimensions of the problem and the shortcomings of prior efforts to remedy it. *Petition for Rulemaking of the U.S. Department of Transportation for the Allocation of a Three-Digit Telephone Number to Access Excavation Damage Prevention (One Call) Services Nationwide*, CC Docket No. 92-105 (filed August 28, 2003).

scarcest resources") and specifically 811, and with the issues presented by the use of 344 (with or without also using a star ("*") or number/pound ("#") sign). Id. at ¶¶ 7 – 16. The FCC has tentatively concluded that 344 or other numeric sequences suitable for use as area codes or special services would be inconsistent with its "numbering resource optimization policies." Id. at ¶¶ 17 – 18. [2]

The Notice also asks for comment on a series of issues related to implementing the number chosen. These include how best to integrate the new abbreviated code with existing telephonic access to One Call centers, and the appropriate timeframes for telecommunications carriers to complete the steps necessary to put the new number into service. Id. at ¶¶ 21 – 25.

DOT's Position

The Department's primary interest is in the selection and implementation of a three-digit abbreviated code at the earliest feasible time, so as to reap the added safety benefits sooner rather than later. DOT's support for 344 or "DIG" was based primarily on its intuitive connection to the excavation that causes most underground infrastructure damage. If there are significant regulatory, technical, or financial burdens associated with 344 that do not attend the use of 811, DOT is prepared to embrace this or a similar number.

In point of fact, the Department's experience with N11 codes has been favorable. The Commission's assignment in 2000 of "511" to serve the information needs of the traveling public has had its intended effect. *No. 92-105, Third Report and Order and Order on Reconsideration*, 15 FCC Rcd 16753, FCC 00-256 (Released July 31, 2000). Making access to traffic, roadway, and weather conditions more easily available has lead local and long-distance drivers to obtain and use that information to a substantially

[2]/ The Notice points out that although 344 is not currently used as an area code, adopting any otherwise available three-digit sequence for this purpose eliminates all seven-digit numbers that would ordinarily follow an area code in the ten-digit system employed in North America and elsewhere, a loss of some eight million potential numbers. Id.

greater extent than before, providing public benefits in the form of reduced traffic congestion, fuel consumption, and delays, as well as greater efficiencies. [3]

DOT also acknowledges that N11 codes have the added benefit of being easily recognized as set aside for particular purposes. Thus, even without a clear intuitive connection between excavation and 811, a public awareness campaign on behalf of 811 would seem likely to have certain advantages. [4]

Finally, it is plain that resolution of implementation issues will play a major role in determining both which dialing code is adopted and the timeframe(s) within which the new code will actually be available for use. The record in this proceeding contains insufficient information on these issues for the Department to discuss them at this time. Nonetheless, we will review the comments of interested parties on these subjects and may respond on reply.

Conclusion

The Commission should identify and implement a nationwide three-digit abbreviated dialing code for One Call centers as soon as practicable. If not 344, the Department could support a three-digit code that would have some other aspect likely to stimulate more widespread access to and use of these centers. We look forward to the comments of other interested parties and to assisting in the implementation of Congress' intent.

Respectfully submitted,

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July 8, 2004

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[3]/ Information about 511 and its ongoing implementation is available at: http://www.its.dot.gov/511/511.htm. *See also* http://www.deploy511.org/docs/511_Value.pdf

[4]/ DOT notes that the FCC is aware that certain wireless carriers and customers have been using "#344" for this purpose for some time. Notice at ¶¶ 16-20. We may address the issue of discontinuing their use of #344 after review of the initial comments.